

REMARKS

Claims 1-44 were pending in the application. Claims 1, 4, 6, 7, 11, 14, 16, 29, 35, 38, and 43 have been amended. Claims 45-51 have been added. No claims have been canceled. Thus, upon entry of the amendment, claims 1-51 are subject to continued examination. Each of these claims is believed to be in condition for allowance. Accordingly, an action to that effect is requested at this time.

FORMAL REJECTIONS:

Claims 1-44 were rejected under 35 U.S.C. 112 second paragraph as being indefinite on the grounds that the recited elements of the Markush groups in claims 1, 4, 11, 14, 16, 29 and 43 were not mutually exclusive. In particular, the Office Action indicates that "rounded" and "circular" are not mutually exclusive and that "octagonal" and "polygonal" are not mutually exclusive. The Office Action also indicates that the listed elements of the design groupings are not mutually exclusive.

In order to address this rejection, each of claims 1, 4, 11, 14, 16, 29, and 43 has been amended such that the Markush groups are mutually exclusive. Accordingly, reconsideration and withdrawal of the prior formal rejections is requested at this time.

DOUBLE PATENTING REJECTIONS:

Claims 1-44 were rejected on the ground of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent 6,340,514. Applicant respectfully traverses this rejection in light of the present amendment of claims 1, 4, 7, 11, 14, 16, 29, and 43 and the

addition of claims 45 – 51. Accordingly, reconsideration and withdrawal of the outstanding obviousness-type double patenting rejection on the grounds of the '514 patent is requested at this time.

Claims 1-44 were rejected on the ground of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent 6,420,015 on the ground that the claims are not patentably distinct since the star shaped protrusions of the claims in the '015 patent are polygonal. In order to address this rejection, the listing of polygonal cross section has been removed from the claimed Markush groups. A new set of claims 45-51 has been added reciting polygonal cross section protrusions in combination with substantially planar zones between the protrusions. Such amendments are believed to obviate any continued obviousness-type double patenting rejection on the basis of the '015 patent. Accordingly, reconsideration and withdrawal of the outstanding obviousness-type double patenting rejection on the grounds of the '015 patent is requested at this time.

Claims 1-44 were provisionally rejected on the ground of obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent Application 09/679,467. Applicants bring to the attention of the Examiner the fact that the cited application has recently issued as U.S. Patent 6,589,631. Applicant respectfully traverses this rejection in light of the amendment of claims 1, 4, 7, 11, 14, 16, 29, and 43 and the addition of claims 45 – 51. Accordingly, reconsideration and withdrawal of the outstanding obviousness-type double patenting rejection on the grounds of application 09/679,467 (the '631 patent) is requested at this time.

Claims 1-44 were provisionally rejected on the ground of obviousness-type double patenting as being unpatentable over claims 4-32 of U.S. Patent Application 09/653,785.

Applicants note that the cited conflicting application has now been abandoned. Accordingly, any continued obviousness-type double patenting rejection is believed to be obviated.

Claim 1 stands rejected on the ground of obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent 6,296,919. Applicant respectfully traverses this rejection in light of the amendment of claim 1. Accordingly, reconsideration and withdrawal of the outstanding obviousness-type double patenting rejection on the grounds of the '919 patent.

ART REJECTIONS:

Claims 1, 2, 4, 4, 5, 7, 8, 11, 27, 36, 37, 38, 39, 40 and 42-44 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,972,470 to Engst. Continued rejection on this basis is respectfully traversed and reconsideration is requested.

An anticipation rejection requires that every element of the claimed invention must be found in a single prior art reference. In the present application each of the claims call for a foam rubber. As best understood, Engst does not use foam rubber. Rather, the body of the mat in Engst uses granulate or shavings made of elastomer. Col. 1, lines 48-50. Thus, it is respectfully submitted that Engst cannot support an anticipation rejection.

Claims 1, 4, 5, 8, 11, 29, 37, 38, 39, 40, 41, 43 and 44 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,207,636 to Ceriani. Continued rejection on this basis is respectfully traversed and reconsideration is requested.

Each of the claims in the present application is directed to a cushioned floor mat including foam rubber. As best understood, Ceriani is directed to an upholstered furniture cushion which utilizes interior contour foam blocks and does not disclose a floor mat of any kind. Thus, Ceriani does not appear to teach all elements of the present claims.

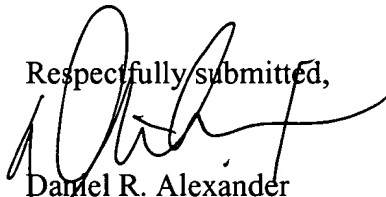
CONCLUSION / AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT:

On the grounds as set forth above, Applicants respectfully request that all claims be passed to issue. While an attempt has been made to address all outstanding issues, to any extent that one or more issues remain, the undersigned respectfully requests a telephone conference to resolve such issues.

Please charge all fees required for acceptance of this amendment to Deposit Account 04-0500.

October 9, 2003

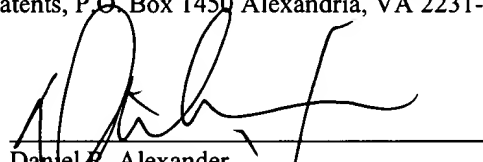
Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to The Commissioner for Patents, P. O. Box 1450 Alexandria, VA 2231-1450 on October 9, 2003, along with a postcard receipt.


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